

02/25/02

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02/20/02
J1000 U.S. PTO

Attorney Docket: XY-Super-Cont2
Express Mail No: EL913300649US

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

J1050 U.S. PTO
10/08/955
02/20/02

In Re the Application of: George Seidel, Lisa Herickhoff, John Schenk

Serial Number: New: _____ (Parent: 09/448,643)

Filed: New: _____ (Parent: 11/24/1999)

New Title: Multiple Sexed Embryo Production System for Mammals Using Low Numbers of Spermatozoa

Parent Title: Multiple Sexed Embryo Production System for Mammals

Group Art Unit: New: _____ (Parent: 1655)

Examiner: New: _____ (Parent: Carla J. Myers)

Assignee: XY, Inc. and Colorado State University through its agent Colorado State University Research Foundation

LETTER OF TRANSMITTAL

Continuation Application under 35 U.S.C. §§ 111(a) and 120; and 37 C.F.R. § 1.53 (b)

Box Application
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Enclosed for filing is a continuation application under 35 U.S.C. §§111(a) and 120; and 37 C.F.R. §1.53(b) for an invention entitled "Multiple Sexed Embryo Production System for Mammals Using Low Numbers of Spermatozoa", including the following documents:

- a. a Preliminary Amendment -- which should be entered prior to calculation of the fee for this application;

- b. an Application Data sheet;
- c. a copy of the Specification of the parent application consisting of (55) pages as originally filed with no new matter added as required pursuant to Rule 1.63(d)(1)(iii). For the convenience of the Office, a cover sheet has been added to the copy to indicate the new caption and title and thus minimize the risk of loss in the event documents are separated from the file;
- d. a copy of (4) four sheets of drawings with no new matter added as required pursuant to Rule 1.63(d)(1)(iii) with the newly attached cover sheet;
- e. a copy of the Declaration for Patent Application as filed in the original application;
- f. a newly executed Declaration for Patent Application of George Seidel, Lisa Herickhoff, and John Schenk pursuant to Rule 1.63(d)(1)(iv) with the newly attached cover sheet;
- g. a true and correct copy of the assignment of patent rights filed in the original application, including the notice of recordation and recording cover sheet recorded on October 19, 1998 to Colorado State University through its agent Colorado State University Research Foundation, recorded at reel/frame: 010090/0936, pursuant to 37 C.F.R. §3.21 and MPEP §306 with the newly attached cover sheet;
- h. a newly executed Assignment of Patent Rights of George Seidel, and a newly executed Assignment of Lisa Herickhoff and John Schenk, along with a recordation cover sheet;
- i. a copy of the original Power of Attorney with the newly attached cover sheet;
- j. an Information Disclosure Citation listing references previously cited in the parent case (pursuant to § 609, MPEP copies are not submitted as they were provided with the parent case);
- k. a check payable to the Commissioner of Patents and Trademarks in the amount of \$450.00, along with an attached fee calculation sheet;
- l. Express Mail Certificates for each document; and
- m. this Letter of Transmittal and a return postcard receipt.

Please process this application as a continuation application under 35 U.S.C. §§ 111(a) and 120; and 37 C.F.R. 1.53(b) or otherwise as appropriate. Further, it is understood that all the Information Disclosure Statements and cited art from the parent case will be considered during examination of this continuation application. Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

It should be noted that small entity status was established in the priority case. Small entity status remains appropriate and is hereby claimed for this application under 37 CFR §1.9. No copies of the documents establishing small entity status in the original case are filed. Pursuant to MPEP 201.06(c) no copy is necessary

PLEASE NOTE: This application is a continuation of United States Patent Application No., 09/448,643 filed on November 24, 1999, now issued as United States Patent No. _____.

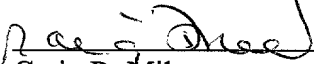
Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.

I have this 20 day of February, 2002, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By:


Craig R. Miles
Attorney for Applicant
PTO No. 45,954
125 South Howes, Third Floor
Fort Collins, CO 80521
(970) 224-3100

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: George Seidel, Lisa Herickhoff, John Schenk

Serial Number: New: _____ (Parent: 09/448,643)

Filed: New: _____ (Parent: 12/24/1999)

New Title: Multiple Sexed Embryo Production System for Mammals Using Low Numbers of Spermatozoa

(Parent Title: Multiple Sexed Embryo Production System for Mammals)

Group Art Unit: New: _____ (Parent: 1655)

Examiner: New: _____ (Parent: Carla J. Myers)

Assignee: XY, Inc. and Colorado State University through its agent Colorado State University Research Foundation

CONTINUATION COVER SHEET*

FOR

COPY OF PARENT CASE POWER OF ATTORNEY

- * This Continuation Cover Sheet is provided for the convenience of Patent Office personnel, to indicate the new caption and title and thus minimize the risk of loss in the event documents are separated from the file.

FEE CALCULATION SHEET

USPTO Patent Application

| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|------------------|------------------|-------------|------------------|
| TOTAL CLAIMS ¹ | 18-20 = | 0 | x \$18.00 = | \$0.00 |
| INDEP. CLAIMS | 1-3 = | 0 | x \$84.00= | 0.00 |
| MULTIPLE DEPENDENT CLAIMS (insert Y or N) | | | N | 0.00 |
| BASIC FEE | | | | 740.00 |
| TOTAL OF ABOVE = | | | | 740.00 |
| REDUCTION BY 50 % FOR FILING BY SM ENTITY (insert Y or N) | | | Y | 370.00 |
| ASSIGNMENT (insert Y or N) 2 Assignments @ \$40 each | | | Y | \$80.00 |
| TOTAL = | | | | \$450.00 |

¹ TOTAL CLAIMS BASED ON:

| | |
|----|---|
| 18 | Numbered claims with: |
| 1 | Independent claim: 124 |
| 17 | Claims dependent on a single claim: 125 - 141 |
| | Claims dependent on two claims |
| | Claims dependent on three claims |
| | Claims dependent on four claims |
| | Claims dependent on five claims |
| 18 | TOTAL CALCULATED CLAIMS |

Note: Fees based on October 1, 2001

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

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Serial Number: New: _____ (Parent: 09/448,643)

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(Parent Title: Multiple Sexed Embryo Production System for Mammals)

Group Art Unit: New: _____ (Parent: 1655)

Examiner: New: _____ (Parent: Carla J. Myers)

Assignee: XY, Inc. and Colorado State University through its agent Colorado State University Research Foundation

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Letter of Transmittal and a check in the amount of \$450.00 along with a fee calculation sheet with the United States Postal Service as "Express Mail" for mailing to the Commissioner of Patents and Trademarks, Box Application, Washington, D.C. 20231.

Dated this 20th day of February, 2002.



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Serial Number: New: _____ (Parent: 09/448,643)

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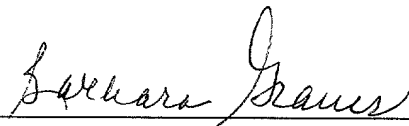
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Dated this 20th day of February, 2002.



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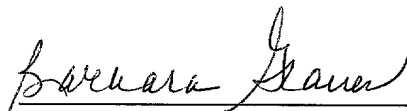
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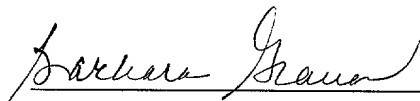
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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached copy of (4) sheets of drawings with no new matter added with the newly attached cover sheet with the United States Postal Service as "Express Mail" for mailing to the Commissioner of Patents and Trademarks, Box Application, Washington, D. C. 20231.

Dated this 20 day of February, 2002.



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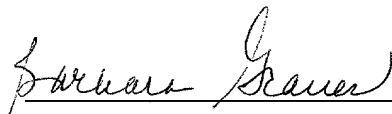
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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

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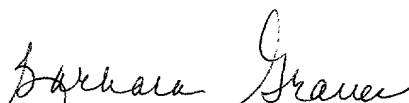
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2. I have this day deposited the attached copy of the original Declaration for Patent Application of George Seidel, Lisa Herickhoff and John Schenk pursuant to Rule 1.63(d)(1)(iv) with the newly attached cover sheet, and a newly executed Declaration for Patent Application of George Seidel, Lisa Herickhoff and John Schenk with the United States Postal Service as "Express Mail" for mailing to the Commissioner of Patents and Trademarks, Box Application, Washington, D.C. 20231.

Dated this 20th day of February, 2002.



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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached newly executed Declaration for Patent Application of George Seidel, Lisa Herickhoff and John Schenk with the United States Postal Service as "Express Mail" for mailing to the Commissioner of Patents and Trademarks, Box Application, Washington, D.C. 20231.

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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached true and correct copy of the assignment of patent rights filed in the original parent and continuation application, including the notice of recordation and recording cover sheet recorded on October 19, 1998 to Colorado State University through its agent Colorado State University Research Foundation, recorded at reel/frame: 010090/0936 with the newly attached cover sheet with the United States Postal Service as "Express Mail" for mailing to the Commissioner of Patents and Trademarks, Box Application, Washington, D.C. 20231.

Dated this 10th day of February, 2002.



IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: George Seidel, Lisa Herickhoff, John Schenk
Serial Number: 09/015,454
Filed: January 29, 1998
For: System for Improving Yield of Sexed Embryos in Mammals
Group Art Unit: 1641
Examiner: Carla Myers

CERTIFICATE OF MAILING

I, Shannon Nation-Kammerer, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Assignment of Patent Rights of Lisa Herickhoff and John Schenk along with a Recordation Cover Sheet with the United States Postal Service as "First Class Mail", with sufficient postage, for mailing to the Assistant Commissioner for Patents, Box Assignment, Washington, D.C. 20231.

Dated this 26 day of September, 2000.

